IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

WP(C).No. 18877 of 2006(V)

PETITIONER:

NARAYANAN, AGED 43, S/O. KORAN,
VENGASSERY HOUSE, KORIMBIASSERY DESOM,
IRINJALAKUDA, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

THE IRINJALAKUDA MUNICIPALITY, REP. BY
ITS SECRETARY, IRINJALAKUDA P.O.,
THRISSUR DISTRICT, PIN - 680 121.

BY ADV. SRI.CHANDRAN PILLAY
SRI.K.K.CHANDRAN PILLAI
SRI.SAVIO JOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 18877 of 2006

Dated this 4th day of January, 2007

JUDGMENT

I do not find any justification in this case for invoking the jurisdiction of this court under Article 226 of the Constitution. Having regard to the facts which have been brought on record by the counter affidavit and the documents placed on record, this writ petition will stand dismissed.

2.However, considering the submission of Sri.G.Sreekumar, the learned counsel for the petitioner that materials and equipments belonging to the petitioner are lying inside the room and there will be a direction to the Municipality to open the premises in the presence of the petitioner, so that if anything belonging to the petitioner is actually found in the room, the petitioner can be permitted to remove those materials.

3. As regards the sum of Rs.42,000/- which was paid by the petitioner as security deposit at the time of entrustment of

the room, the Municipality, after adjusting whatever amounts are legally and correctly due to the Municipality, will pay the balance amount to the petitioner. Needful will be done by the Municipality within one month of receiving a copy of this judgment. This judgment will not stand in the way of the petitioner submitting tenders, if the fresh tenders are invited in respect of these rooms or any other rooms in the shopping complex.

PIUS C.KURIAKOSE
Judge

dpk